

1 TRINETTE G. KENT (State Bar No. 222020)
2 3219 E Camelback Rd, #588
3 Phoenix, AZ 85018
4 Telephone: (480) 247-9644
5 Facsimile: (480) 717-4781
6 E-mail: tkent@lemborglaw.com

7 Of Counsel to
8 Lemberg Law, LLC
9 43 Danbury Road, 3rd Floor
10 Wilton, CT 06897
11 Telephone: (203) 653-2250
12 Facsimile: (203) 653-3424

13 Attorneys for Plaintiff,
14 Rodnesia Love

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 Rodnesia Love,

19 Plaintiff,

20 vs.

21 Uber Technologies, Inc.,

22 Defendant.

Case No.:

COMPLAINT FOR DAMAGES

FOR VIOLATIONS OF:

**1. THE FAIR CREDIT REPORTING
ACT**

JURY TRIAL DEMANDED

1 Plaintiff, Rodnesia Love (hereafter “Plaintiff”), by undersigned counsel, brings
2 the following complaint against Defendant, Uber Technologies, Inc. and alleges as
3 follows:
4

5 **JURISDICTION**

6 1. This action arises out of Defendant’s repeated violations of the Fair
7 Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* (the “FCRA”).
8

9 2. Venue is proper before this Court pursuant to 28 U.S.C. § 1391(b), where
10 the acts and transactions giving rise to Plaintiff’s action occurred in this district and/or
11 where Defendant transacts business in this district.
12

13 **PARTIES**

14 3. Plaintiff is an adult individual residing in Lafayette, Indiana, and is a
15 “consumer” as that term is defined by 15 U.S.C. § 1681a(c).
16

17 4. Defendant, Uber Technologies, Inc. (“Uber” or “Defendant”), is a
18 Delaware corporation with its headquarters and principal place business at 1455
19 Market Street, 4th Floor, San Francisco, California 94103, and is a “person” as
20 defined by 15 U.S.C. § 1681a(b).
21
22

23 **FACTUAL ALLEGATIONS**

24 5. In 2018, Plaintiff began working for Uber as a driver for its food-delivery
25 platform, Uber Eats.
26

27 6. On or around March 29, 2020, Plaintiff was deactivated from Uber Eats.
28

8. Uber did not disclose to Plaintiff that it was going to procure the background check report, and Uber did not obtain Plaintiff's prior written authorization to run a background check on Plaintiff after she was deactivated from the Uber Eats platform.

10. The unauthorized background report contained information damaging to Plaintiff's character and reputation and invaded her privacy.

COUNT I

VIOLATIONS OF THE FAIR CREDIT REPORTING ACT

15 U.S.C. § 1681, et seq. by DEFENDANT UBER

15. 15 U.S.C. § 1681b(b)(2)(A) provides that “a person may not procure a consumer report, or cause a consumer report to be procured, for employment purposes

1 with respect to any consumer, unless (i) a clear and conspicuous disclosure has been
2 made in writing to the consumer at any time before the report is procured or caused to
3 be procured, in a document that consists solely of the disclosure, that a consumer
4 report may be obtained for employment purposes; and (ii) the consumer has
5 authorized in writing (which authorization may be made on the document referred to
6 in clause (i)) the procurement of the report by that person.
7

9 16. Uber violated § 1681b(b)(2)(A) of the FCRA by procuring a background
10 screening report on Plaintiff for employment purposes without first disclosing to
11 Plaintiff that such a report would be procured, and without obtaining Plaintiff's
12 written authorization to procure said report
13

14 17. As a result of Uber's violations of §§ 1681b(b)(2)(A) of the FCRA,
15 Plaintiff is entitled to damages, costs, and attorneys' fees pursuant to 15 U.S.C. §§
16 1681n and 1681o.
17

18
19 **PRAYER FOR RELIEF**
20

21 WHEREFORE, Plaintiff prays for judgment against Uber for:

22 A. Statutory damages pursuant to 15 U.S.C. § 1681n(a)(1)(B);

23 B. Attorneys' fees and costs pursuant to 15 U.S.C. §§ 1681n(a)(3) and
24 1681o(a)(2);
25

26 C. Actual damages pursuant to 15 U.S.C. § 1681o(a)(1);

27 D. Punitive damages pursuant to 15 U.S.C. § 1681n(a)(2); and
28

E. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

DATED: October 5, 2020

TRINETTE G. KENT

By: /s/ Trinette G. Kent
Trinette G. Kent, Esq.
Lemberg Law, LLC
Attorney for Plaintiff, Rodnesia Love